

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

NO. MJ20-206

IN THE MATTER OF THE SEARCH OF
INFORMATION ASSOCIATED WITH TWO
EMAIL ACCOUNTS THAT ARE STORED
AT PREMISES CONTROLLED BY
MICROSOFT

**MOTION TO SEAL SEARCH
WARRANT AND RELATED
MATERIALS**

(FILED UNDER SEAL)

The United States of America, by and through Brian T. Moran, United States Attorney for the Western District of Washington, and Marie M. Dalton, moves this Court for an Order sealing the Search Warrant, Application for Search Warrant, Non-Disclosure Motion and attendant Order, and Affidavit of Special Agent Allana Kleinosky, as well as this Motion and attendant Order.

Federal courts are empowered to seal documents in appropriate circumstances. Cf. Fed. R. Crim. P. 6(e)(4) (sealing of indictments). It is well-settled that federal courts have inherent authority to control papers filed with the court, *United States v. Shryock*, 342 F.3d 948, 983 (9th Cir. 2003), including the power to seal affidavits filed with search warrants in appropriate circumstances. In *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989), the Court recognized that “information disclosed to the magistrate in support of the warrant request is entitled to the same confidentiality accorded other aspects of the criminal investigation.” *Id.* at 1214. This inherent power

1 may appropriately be exercised when disclosure of the affidavit would disclose facts that
2 would interfere with an ongoing criminal investigation. *United States v. Napier*,
3 436 F.3d 1133, 1136 (9th Cir. 2006) (noting that a sealed search warrant protects the
4 “government’s interest in maintaining [the] integrity of ongoing criminal investigations
5 and ensuring the safety of the informant”).

6 In support of this request, the government submits that the search warrant, being
7 sought pursuant to 18 U.S.C. § 2703, and related document documents detail an ongoing
8 investigation into criminal conduct committed by LLUVIA FIGUEROA and others that
9 is neither public nor known to the subjects of the investigation. The government expects
10 that the investigation will continue after the execution of the search warrant, and may
11 involve additional searches, interviews, and warrants. Premature revelation of the fact
12 and the details of the investigation may impede the investigation or unduly delay trial by
13 encouraging the suspect to destroy evidence, influence witnesses, and/or flee prosecution.
14 Since there is no reason to reveal the details of the investigation until such time as a court
15 determines that it is necessary to permit an indicted defendant to attack the validity of the
16 search, the government moves for an Order sealing the warrant and related materials.

1 Therefore, the United States of America respectfully requests that the documents
2 in this case be sealed until the earliest of the following: (a) two weeks following the
3 appearance of any criminal defendant in the Western District of Washington on a
4 charging document in a matter for which the warrants were issued; (b) two weeks
5 following the closure of the investigation for which the warrants were issued; or (c)
6 sixteen months following issuance of the warrant, unless the Court, upon motion of the
7 government for good cause, orders an extension of this Order.

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9 DATED this 23rd day of April, 2020.

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11 Respectfully submitted,
12 BRIAN T. MORAN
13 United States Attorney

14
15 /s/ Marie M. Dalton
16 MARIE M. DALTON
17 Assistant United States Attorney
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